

1 Russell B. Hill (SBN 190070)
Jesse D. Mulholland (SBN 222393)
2 Elizabeth Yang (SBN 249713)
HOWREY LLP
3 4 Park Plaza, Suite 1700
Irvine, California 92614-8200
4 Tel.: (949) 721-6900
Fax.: (949) 721-6910
5 hillr@howrey.com
mulhollandj@howrey.com
6 yange@howrey.com

Attorneys for Plaintiff
ELECTRONICS FOR IMAGING, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ELECTRONICS FOR IMAGING, INC., a
Delaware corporation.

Plaintiff,

TESSERON, LTD., an Ohio limited liability company.

vs.

Defendant.

Case No. 3:07-CV-5534 CRB

**DECLARATION OF MARK L. BLAKE IN
SUPPORT OF EFI'S OPPOSITION TO
TESSERON LTD.'S MOTION TO DISMISS
OR, IN THE ALTERNATIVE, TO
TRANSFER VENUE**

Date: February 1, 2008

Time: 10:00 a.m.

Judge: Hon. Charles R. Breyer

1 I, Mark L. Blake, declare as follows:

2 1. I am an attorney at law duly licensed to practice in the State of California. I am an
3 associate at the law firm of Howrey LLP, counsel for Electronics For Imaging Inc. ("EFI") in this
4 action. Unless indicated otherwise, I have personal knowledge of the facts set forth in this Declaration.

5 2. Attached as Exhibit A is a true and correct copy of the website
6 http://www.vlogix.com/abt_management.htm.

7 3. Attached as Exhibit B is a true and correct copy of the website
8 http://www.vlogix.com/abt_index.htm.

9 4. Attached as Exhibit C is a true and correct copy of the website
10 http://www.vlogix.com/new_article_070101.htm.

11 5. Attached as Exhibit D is a true and correct copy of the website
12 http://www.vlogix.com/abt_index.htm from December 15, 2001. This web page was found at an
13 internet archiving website at the following URL,

14 http://web.archive.org/web/20011215051451/http://vlogix.com/abt_index.htm. This page can be
15 retrieved by visiting www.archive.org and entering "www.vlogix.com/abt_index.htm" into the
16 "Wayback Machine" search bar. At the following screen, select the December 15, 2001 date.

17 6. Attached as Exhibit E is a true and correct copy of the website www.tesseron.net from
18 May 21, 2001. This web page was found at an internet archiving website at the following URL,
19 <http://web.archive.org/web/20010521194234/http://www.tesseron.net/>. This page can be retrieved by
20 visiting www.archive.org and entering "www.tesseron.net" into the "Wayback Machine" search bar.
21 At the following screen, select the May 21, 2001 date.

22 7. Attached as Exhibit F is a true and correct copy of relevant portions of Forrest Gauthier's
23 deposition in *Tesseron Ltd. v. Xerox Corp.*, Case No. 1:04CV2164, dated April 5, 2006.

24 8. Attached as Exhibit G is a true and correct copy of the California corporate record for
25 Silicon Valley Bank. This page was found by going to the California Secretary of State website and
26 searching for "Silicon Valley Bank" under business records at <http://kepler.sos.ca.gov/list.html>.

1 9. Attached as Exhibit H is a true and correct copy of the information regarding the
 2 registration of www.vlogix.com. This page can be retrieved by visiting
 3 http://www.networksolutions.com/whois/index.jsp and entering “vlogix.com” into the search bar.

4 10. Attached as Exhibit I is a true and correct copy of ‘*Yes, We’re A Printing Show,’ Declares*
 5 *Seybold As Print Technologies* *Mark San Francisco Event*, Printing News, September 21, 1998.

6 11. Attached as Exhibit J is a true and correct copy of the George Lithograph case study found
 7 by visiting the following URL:

8 http://files.oceusa.com/media/Assets/PDFs/ProductRelated/ProductionPrinting/VoiceOfOurCustomers/
 9 GeorgeLitho_v1_m56577569830473930.pdf.

10 12. Attached as Exhibit K is a true and correct copy of the web pages found at
 11 www.rrd.com/wwwRRD/AboutUs/Locations/Locations.asp from December 29, 2006. These web
 12 pages were found at an internet archiving website at the following URLs:

- 13 • http://web.archive.org/web/20061229204156/www.rrd.com/wwwRRD/AboutUs/Locations/
 14 Direct.asp
- 15 • http://web.archive.org/web/20061010200352/www.rrd.com/wwwRRD/AboutUs/Locations/
 16 Labels.asp
- 17 • http://web.archive.org/web/20060927065438/www.rrd.com/wwwRRD/AboutUs/Locations/
 18 Premedia.asp
- 19 • http://web.archive.org/web/20060925064220/www.rrd.com/wwwRRD/AboutUs/Locations/
 20 DistributionFulfillment.asp
- 21 • http://web.archive.org/web/20060925063706/www.rrd.com/wwwRRD/AboutUs/Locations/
 22 CommercialPrint.asp

23 These pages can be retrieved by visiting www.archive.org and entering
 24 “www.rrd.com/wwwRRD/AboutUs/Locations/Locations.asp” into the “Wayback Machine” search bar.
 25 At the following screen, select the December 29, 2006 date.

26 13. Attached as Exhibit L is a true and correct copy of *VariScript solution breaks production*
 27 *variable data printing barrier*, M2 Presswire, September 14, 1999.

28 14. Attached as Exhibit M is a true and correct copy of the website
 29 http://www.vlogix.com/new_archive_091099.htm.

1 15. Attached as Exhibit N is a true and correct copy of the website

2 <http://www.ugs.calpoly.edu/dept/webpp.html>, showing the use of the Xeikon DCP/50D (which utilizes
3 the VariScript solution).

4 16. Attached as Exhibit O is a true and correct copy of the public record person locator results
5 for Forrest Gauthier.

6 17. Attached as Exhibit P is a true and correct copy of Tesseron Ltd.'s Complaint filed in the
7 Northern District of Ohio, Case No. 1:07CV2947.

8 18. Attached as Exhibit Q is a true and correct copy of Tesseron Ltd.'s Amended Complaint
9 filed in the Northern District of Ohio, Case No. 1:07CV2947.

10 19. Attached as Exhibit R is a true and correct copy of the website www.variscorp.com from
11 March 31, 2002. This web page was found at an internet archiving website at the following URL,
12 <http://web.archive.org/web/20020331014049/http://variscorp.com/>. This page can be retrieved by
13 visiting www.archive.org and entering "www.variscorp.com" into the "Wayback Machine" search bar.
14 At the following screen, select the March 31, 2002 date.

15 20. Attached as Exhibit S is a true and correct copy of the information regarding the
16 registration of www.tesseron.net. This page can be retrieved by visiting
17 <http://www.networksolutions.com/whois/index.jsp> and entering "tesseron.net" into the search bar.

18 21. Attached as Exhibit T is a true and correct copy of Tesseron Ltd.'s articles of incorporation
19 obtained by searching for Tesseron in the Ohio business filings at
20 http://www2.sos.state.oh.us/pls/portal/PORTAL_BS.BS_QRY_BUS_INFORMATION1.SHOW_PAR_MS.

22 22. I have contacted the property manager for the building at 394 Wards Corner, Cincinnati,
23 Ohio 45140 and confirmed that vLogix is not currently occupying suite 150.

24 23. Attached as Exhibit U is a true and correct copy of Inc. Jet Aviation Ltd.'s amended
25 articles of organization obtained by searching for Jet Aviation in the Ohio business filings at
26 http://www2.sos.state.oh.us/pls/portal/PORTAL_BS.BS_QRY_BUS_INFORMATION1.SHOW_PAR_MS.

1 24. Attached as Exhibit V is a true and correct copy of the judicial caseload profile for the
2 Northern District of California found by going to www.uscourts.gov/cgi-bin/cmsd2006.pl and
3 selecting "California Northern" from the drop down list.

4 25. Attached as Exhibit W is a true and correct copy of the judicial caseload profile for the
5 Northern District of Ohio found by going to www.uscourts.gov/cgi-bin/cmsd2006.pl and selecting
6 "Ohio Northern" from the drop down list.

7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct.

9 Executed this 11th day of January 2008, at Irvine, California.

10 
11 _____
12 Mark L. Blake

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28